

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: MAY 2, 2007**

**DEPARTMENT: FINANCE AND BUSINESS SERVICES**

**DIRECTOR: MARK R. VINCENT**

☐ Consent ☒ Discussion

**SUBJECT:**

ABEYANCE ITEM - Discussion and possible action regarding an Appeal of Denial for a Family Home Child Care Facility License, Lia Hernandez, dba Lia Hernandez, 9108 Teal Lake Court, Lia Hernandez, 100% - Ward 4 (Brown)

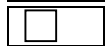
**Fiscal Impact**



No Impact



Augmentation Required



Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

Discussion and possible action regarding an Appeal of Denial for a Family Home Child Care Facility License.

**RECOMMENDATION:**

Recommendation is to uphold the decision of the Child Care Licensing Board.

**BACKUP DOCUMENTATION:**

1. Notice of Appeal
2. CCLB Meeting Minutes
3. Letter of CCLB Action
4. Decision Denying Child Care Facility License Application

Motion made by OSCAR B. GOODMAN to Hold in Abeyance to 5/16/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BRENDA J. WILLIAMS, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: MAYOR GOODMAN disclosed that there was a time when he would abstain on matters related to child care licensing due to his wife's position as Chairman/President of the Meadows School, which is subject to licensing with the Child Licensing Division. CITY ATTORNEY JERBIC recollected the same. However, he opined that disclosure would be sufficient. Abstention would only be necessary if the Mayor felt he could not be objective. MAYOR GOODMAN then stated he was sure he could remain objective. Subsequently, before considering Item 44, CITY ATTORNEY JERBIC noted that the Mayor has previously abstained on matters regarding appointments to the Child Care Licensing Board, which is quite different

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from an appeal on the denial of a license.

Minutes:

WILLIAM HENRY, Sr. Litigation Counsel, appeared with CAROL MEYER, Business Services. MR. HENRY paraphrased the Subject section. In accordance with Las Vegas Municipal Code (LVMC) 6.24.110(D), the Council, in considering the facts, is confined to the facts presented to the Child Care Licencing Board, the entity that denied the license. The backup for this matter includes detailed minutes of the proceeding before the Board. The burden, as is the case in any appeal, is on the appellant.

CHARLES WRIGHT, Attorney, representing and appearing with LIA HERNANDEZ, noted that appeals were filed based on each of the three bases for denial. He argued that LVMC 6.24.50 does not include a penalty that would permanently prohibit MS. HERNANDEZ from operating an in-home daycare facility. He contended that, while MS. HERNANDEZ admitted that she operated without a license, she subsequently attempted to become compliant, but has run into barriers in the process. This ban constitutes never being licensed because she initially operated without a license, as informed by the investigators. This would be unlike any other license in the State, because even an attorney could obtain a license after practicing law without a license. He offered pictures of the home daycare environment and offered pictures of the two-year-old child included in the packets. Also, he offered a letter from the mother of the child stating that she would like MS. HERNANDEZ to continue to take care of her child.

MAYOR GOODMAN was shocked that any mother would want to put her child back in such an environment. ATTORNEY WRIGHT argued that the injuries to the child were done by MS. HERNANDEZ' twelve-year-old son in response to bites from the two-year-old child. There were no charges filed in the matter. After careful investigation, Metro found no cause to pursue abuse or neglect charges. The mother of the two-year-old would have been present had it not been for the conflicting time of the Council meeting with her work schedule. He suggested holding this matter in abeyance to give the mother an opportunity to appear. MAYOR GOODMAN insisted that he found it hard to believe that any mother would return her child to such an environment. Therefore, he opted to hold this matter in abeyance, directing ATTORNEY WRIGHT to notify the mother that he would like her to appear on this matter.